Foy's Lake Site Development and Land Trade Final Environmental Assessment



November 2009



Foy's Lake Site Development and Land Trade Final Environmental Assessment MEPA, NEPA, MCA 23-1-110 CHECKLIST

PART I. PROPOSED ACTION DESCRIPTION

1. Type of proposed state action:

Site development of Foy's Lake parking and day use area and Land Trade

2. Agency authority for the proposed action:

Montana Fish, Wildlife & Parks

3. Name, address, and phone number of project sponsor (if other than the agency):

Montana Fish, Wildlife & Parks 490 N. Meridian Road Kalispell, MT 59901 (406) 752-5501

4. Anticipated schedule:

Estimated construction commencement date: Fall of 2009/Spring 2010 Estimated completion date: One month from project start Current status of project design (% complete): 50% complete

5. Location affected by proposed action (county, range and township):

S25 & 26, T28 N, R22 W in Flathead County

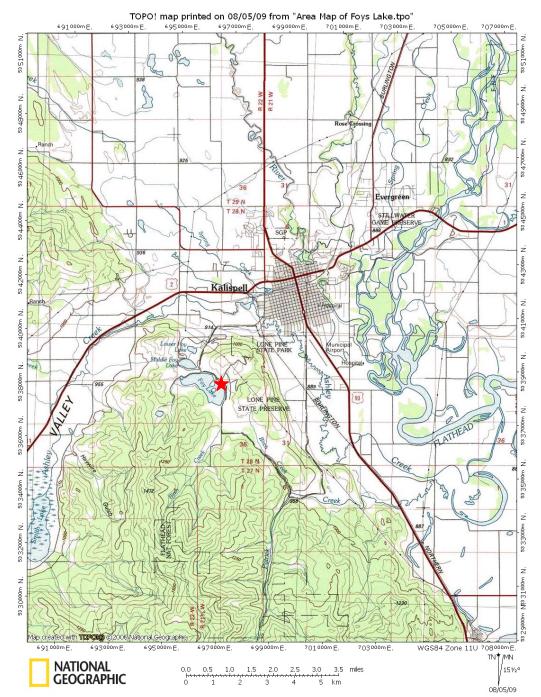


Figure 1: Map of Kalispell showing Foy's Lake project area.



Figure 2: Map of land ownership on the northeast portion of Foy's Lake.

6. Project size - estimate the number of acres that would be directly affected that are currently:

<u>Acres</u>		<u>Acres</u>
0	(d) Floodplain	0
<u> </u>	(e) Productive:	
	Irrigated cropland	0
<u>1.9</u>	Dry cropland	0
	Forestry	0
0	Rangeland	0
	Other	0
	0	(d) Floodplain 0 0 0 (e) Productive: Irrigated cropland Dry cropland Forestry Rangeland

- 7. Listing of any other local, state or federal agency that has overlapping or additional jurisdiction:
 - (a) Permits (Permits will be filed at least 2 weeks prior to project start.):

Agency Name: Montana Department of Transportation Permits: Approach Permit and Permit for Recreational Site

(b) Funding:

Agency Name: Montanan Fish, Wildlife & Parks Funding Amount: \$10,000

(c) Other overlapping or additional jurisdictional responsibilities:

Agency Name: Montana Department of Transportation
Type of Responsibility: Land Owner (Highway Right of Way)

Agency Name: State Historic Preservation Office Type of Responsibility: Cultural Resource Preservation

8. Narrative summary of the proposed action or project, including the benefits and purpose of the proposed action:

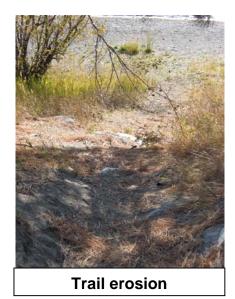
Montana Fish, Wildlife & Parks (FWP) proposes developing the current parking area adjacent to the two parcels of FWP land on the northeastern shore of Foy's Lake. The FWP parcels are part of Lone Pine State Park. The current parking area is on the highway right of way and is in violation of Montana Department of Transportation (MDT) safety standards. A Recreational Site Application has been filed with MDT. The proposed action includes developing a single ingress and single egress point, defined parking area, a defined trail system, installing site identification and regulation signage, and installing a vault latrine. These improvements are intended to 1) reduce the safety hazard to people and motor vehicles driving on Foy's Lake Road or utilizing the FWP Foy's Lake property, 2) reduce visitor confusion on site parking and land ownership, 3) increase compliance with MDT traffic standards and regulations, 4) reduce public health and sanitation issues regarding human waste, and 5) mitigate trespass on private property.

The current parking area was user-created and not properly developed, thus it lacks a proper, safe design. Visitors currently pull directly off the road to park and encounter a significant drop-off from the edge of the road pavement. In addition, visitors often do not have adequate space in which to safely back up or turn around.

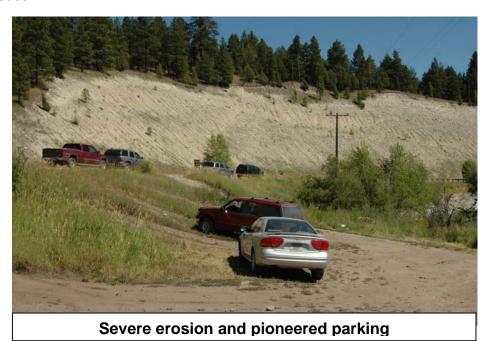


Visitation appears to be increasing at the site, resulting in high use for swimming, sunbathing, fishing, and ice fishing. The high visitation also leads to sanitary concerns in regard to human waste. A portable latrine is placed near the parking area during busy summer months; however, a vault latrine is preferred, as this would provide a sanitary option at all times of the year. Trails created by users are creating safety and erosion concerns.





The FWP east parcel has several pioneered roads that lead directly from Foy's Lake Road down a fairly steep hill to a small level area slightly above the lakeshore. These two-track roads are a safety hazard and are creating erosion issues.



The site development would consist of defining and developing a specific ingress point at the far west end of the existing parking area. The single egress point would be located directly across from Lone Pine Road. Both locations would provide adequate site distance and would be level with the highway. The parking area itself will provide angled parking on both sides of the one-way road.

Approximately 28-30 passenger vehicle parking spots would be developed. One of these parking spots would be designated as an ADA site. Site identification

and regulation signage would be installed. The existing trails would be rerouted if necessary and erosion control measures would be added to the defined trail system. A vault latrine would be installed (funding permitting) or may be added at a later time. The two-track roads on the FWP east parcel would be blocked by quardrail, and the area would be rehabilitated and planted with vegetative cover.

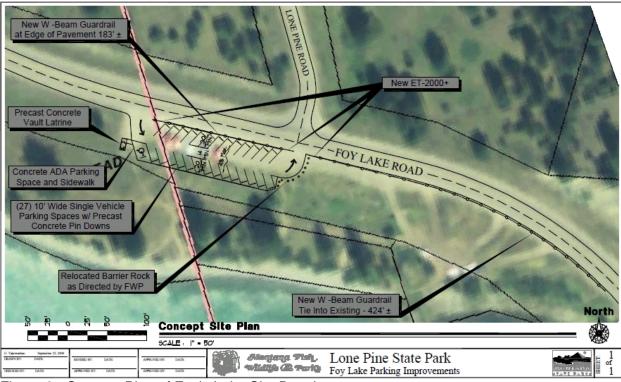


Figure 3: Concept Plan of Foy's Lake Site Development

Land Trade

FWP proposes to trade approximately 0.34 acre with Montana Forest Products in order to consolidate public ownership. FWP currently owns two separate parcels of land totaling 2.09 acres on Foy's Lake. The 0.34-acre parcel owned by Montana Forest Products separates the two FWP parcels, effectively creating an inholding. The proposed land trade would be based on recent appraisals. The proposed trade would result in FWP acquiring the 0.34-acre inholding, and Montana Forest Products would gain land of equal value on the west end of the FWP west parcel.

Additionally, the Lone Pine Ranches Homeowners Association owns a 0.05-acre parcel between the highway right of way and the Montana Forest Products parcel, thereby isolating the Montana Forest Products parcel. FWP has discussed this issue with the Lone Pine Ranches Homeowners Association, and both parties agree that if the Montana Forest Products land trade proceeds, an agreement could be made to acquire, trade, or otherwise utilize the 0.05-acre Lone Pine Ranches Homeowners Association parcel.

This proposed land trade is intended to 1) provide a continuous parcel of land for FWP, 2) reduce the complexity of managing a site with a private inholding, 3) provide the public with access to a highly utilized part of the lakeshore, and 4)

reduce the occurrence of trespass and littering on the Montana Forest Products land.

Public use of this inholding has been confusing for the public and problematic for private property owners.







Trespass issue on private land

Following a land trade, the new boundary line separating FWP land and the Montana Forest Products land would be fenced and marked as a state park boundary.

9. Description and analysis of reasonable alternatives (including the no-action alternative) to the proposed action, whenever alternatives are reasonably available and prudent to consider, and a discussion of how the alternatives would be implemented:

<u>Alternative A:</u> No Action. The Foy's Lake parking and day use area would not be developed and land ownership would remain status quo. The implications of the No-Action Alternative are continued safety hazard for pedestrians and vehicles, continued violation of MDT approach standards, and continued trespass and associated litter and vandalism of private property.

Alternative B: Site Development without Land Trade. In Alternative B, the site would be developed. Improvements include a defined parking area, defined ingress and egress points, installation of site identification and regulatory signage, installation of a vault latrine, and a defined trail system. A land trade would not occur, and land ownership would remain status quo. This alternative would address safety issues regarding the parking area, but would not remedy trespass issues. In addition, this alternative would not guarantee public access to the beach area associated with the private property.

Alternative C: Site Development with Land Trade (Preferred Alternative). In Alternative C, the site would be developed and the private inholding would be traded for FWP property of equal value. Improvements to the site would include development of a defined parking area, defined ingress and egress points, defined trail system, installation of site identification and regulatory signage, and installation of a vault latrine. FWP has selected this as the preferred alternative because it addresses user impacts and safety concerns, as well as improving landowner relations.

PART II. ENVIRONMENTAL REVIEW CHECKLIST

1. Evaluation of the impacts of the Preferred Alternative (C) including secondary and cumulative impacts on the physical and human environment. This also includes the impacts of Alternative B.

A. PHYSICAL ENVIRONMENT

1. LAND RESOURCES	IMPACT *						
Will the proposed action result in:	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index	
a. **Soil instability or changes in geologic substructure?		Х					
b. Disruption, displacement, erosion, compaction, moisture loss, or over-covering of soil, which would reduce productivity or fertility?			Х		Yes	1b.	
c. **Destruction, covering, or modification of any unique geologic or physical features?		Х					
d. Changes in siltation, deposition, or erosion patterns that may modify the channel of a river or stream or the bed or shore of a lake?		Х					
e. Exposure of people or property to earthquakes, landslides, ground failure, or other natural hazard?		Х					
f. Other:		Х					

1b. The proposed project would result in minor disruption, displacement, erosion, compaction, moisture loss, and over-covering of soil. These negative effects can be mitigated by following Best Management Practices (BMPs) for the duration of the project. Disturbed areas not intended for parking, road, or trail areas would be reseeded and reclaimed. Long-term impacts are expected to be positive as existing areas of soil erosion and compaction will be rehabilitated with vegetative cover.

2. AIR	IMPACT *						
Will the proposed action result in:	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index	
a. **Emission of air pollutants or deterioration of ambient air quality? (Also see 13c.)		Х					
b. Creation of objectionable odors?			Х		Yes	2a.	
c. Alteration of air movement, moisture, or temperature patterns or any change in climate, either locally or regionally?		Х					
d. Adverse effects on vegetation, including crops, due to increased emissions of pollutants?		Х					
e. ***For P-R/D-J projects, will the project result in any discharge, which will conflict with federal or state air quality regs? (Also see 2a.)		Х					
f. Other:		Х					

²a. Objectionable odors may be present due to the installation of a vault latrine. This can be mitigated by properly locating, venting, and maintaining the facility.

3. WATER	IMPACT *					
Will the proposed action result in:	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. *Discharge into surface water or any alteration of surface water quality, including but not limited to temperature, dissolved oxygen, or turbidity?		Х				
b. Changes in drainage patterns or the rate and amount of surface runoff?			Х		Yes	3b.
c. Alteration of the course or magnitude of floodwater or other flows?		Х				
d. Changes in the amount of surface water in any water body or creation of a new water body?		Х				
e. Exposure of people or property to water-related hazards such as flooding?		Х				
f. Changes in the quality of groundwater?		Х				
g. Changes in the quantity of groundwater?		Х				
h. Increase in risk of contamination of surface or groundwater?		Х				
i. Effects on any existing water right or reservation?		Х				
j. Effects on other water users as a result of any alteration in surface or groundwater quality?		Х				
k. Effects on other users as a result of any alteration in surface or groundwater quantity?		Х				
I. **** <u>For P-R/D-J</u> , will the project affect a designated floodplain? (Also see 3c.)		Х				
m. ***For P-R/D-J, will the project result in any discharge that will affect federal or state water quality regulations? (Also see 3a.)		Х				
n. Other:		Х				

³b. Reclamation of pioneered vehicle routes and rerouting of pioneered foot trail will have a positive impact on drainage and runoff patterns.

4. VEGETATION				IMPACT *		
Will the proposed action result in?	Unknown No	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Changes in the diversity, productivity, or abundance of plant species (including trees, shrubs, grass, crops, and aquatic plants)?			Х		Yes	4a.
b. Alteration of a plant community?			Х		Yes	4b.
c. Adverse effects on any unique, rare, threatened, or endangered species?		Х				4c.
d. Reduction in acreage or productivity of any agricultural land?		Х				
e. Establishment or spread of noxious weeds?			Х		Yes	4e.
f. **** <u>For P-R/D-J</u> , will the project affect wetlands, or prime and unique farmland?		Х				
g. Other:		Х				

- 4a & b. The expansion of the parking lot slightly to the south for the purpose of providing safe distance from Foy's Lake Road will result in the removal of some vegetation. No trees will be removed or affected by the proposed project. Areas that are disturbed during construction will be reseeded. Areas that are currently eroded and hard-packed will be rehabilitated with vegetation to improve shoreline conditions. The ADA parking site and path to the vault latrine would be paved. The ingress and egress points may be paved to provide safe and stable access to the site.
- 4c. A search of the Natural Resources Information System provided by the Montana Natural Heritage Program showed that no threatened or endangered species are in the vicinity of the proposed project area.
- 4e. The proposed project area, as well as the potential land trade area, is currently infested with spotted knapweed. Canada thistle is also present in the site, but does not exist in abundance in the proposed project area. The disturbance of the area may result in the further spread of spotted knapweed and may result in the spread of other noxious weeds. This can be mitigated through the application of herbicide and site monitoring. The site has been sprayed with herbicide for the past two years and would be sprayed following the proposed project.

** 5. FISH/WILDLIFE	IMPACT *							
Will the proposed action result in:	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index		
a. Deterioration of critical fish or wildlife habitat?		Х						
b. Changes in the diversity or abundance of game animals or bird species?		Х						
c. Changes in the diversity or abundance of nongame species?		Х						
d. Introduction of new species into an area?		Х						
e. Creation of a barrier to the migration or movement of animals?		Х						
f. Adverse effects on any unique, rare, threatened, or endangered species?		Х				5f.		
g. Increase in conditions that stress wildlife populations or limit abundance (including harassment, legal or illegal harvest, or other human activity)?		Х						
h. ****For P-R/D-J, will the project be performed in any area in which T&E species are present, and will the project affect any T&E species or their habitat? (Also see 5f.)		X						
i. ***For P-R/D-J, will the project introduce or export any species not presently or historically occurring in the receiving location? (Also see 5d.)		Х						
j. Other:		Х						

5f. A search of the Natural Resources Information System provided by the Montana Natural Heritage Program showed that no threatened or endangered species are in the vicinity of the proposed project area. Canada lynx, wolverine and gray wolves have potential habitat to the southwest of Foy's Lake. Neither the area wildlife biologist nor the area fisheries biologist has any concerns with the proposed project impacting the area wildlife or Foy's Lake fisheries.

B. HUMAN ENVIRONMENT

6. NOISE/ELECTRICAL EFFECTS	IMPACT *						
Will the proposed action result in:	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index	
a. Increases in existing noise levels?			Х		Yes	6a.	
b. Exposure of people to severe or nuisance noise levels?		Х					
c. Creation of electrostatic or electromagnetic effects that could be detrimental to human health or property?		Х					
d. Interference with radio or television reception and operation?		Х					
e. Other:		Х					

6a. There may be temporary increases in existing noise levels due to construction equipment for the duration of the construction period. Limiting construction time to daytime hours during the week can mitigate this. Following construction, noise levels should return to normal levels as the proposed project will not increase the amount of parking or visitor use of the site.

7. LAND USE	IMPACT *						
Will the proposed action result in:	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index	
Alteration of or interference with the productivity or profitability of the existing land use of an area?		Х					
b. Conflict with a designated natural area or area of unusual scientific or educational importance?		Х					
c. Conflict with any existing land use whose presence would constrain or potentially prohibit the proposed action?		х					
d. Adverse effects on or relocation of residences?			Х		no	7d.	
e. Other:		Х					

7d. The development of a parking area and installation of a latrine would have a visual impact to homeowners traveling from Lone Pine Road and the first residence on Terrace Lane, whose view is of Foy's Lake and the FWP property. Since a parking area currently exists, the delineation of the parking area should not lessen the aesthetic view. The vault latrine would be placed to the west end of the site and out of direct line of site from Lone Pine Road and Terrace Road to assist in mitigating any visual impacts.

8. RISK/HEALTH HAZARDS			ı	MPACT *		
Will the proposed action result in:	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
Risk of an explosion or release of hazardous substances (including but not limited to oil, pesticides, chemicals, or radiation) in the event of an accident or other forms of disruption?			Х		yes	8a.
b. Affect an existing emergency response or emergency evacuation plan, or create a need for a new plan?		X				
c. Creation of any human health hazard or potential hazard?		Х			NA	8.c.
d. ***For P-R/D-J, will any chemical toxicants be used? (Also see 8a.)		Х				
e. Other:		Х				

- 8a. There is a minor and temporary risk of petroleum spills from heavy equipment during the construction period. Any such spill would be mitigated through an appropriate hazardous response team with county and state fire agencies.
- 8c. The proposed action would improve health and sanitation conditions, and facilities. There would also be a decrease in traffic hazards, as a result of the improved parking area and ingress/egress points.

9. COMMUNITY IMPACT	IMPACT *							
Will the proposed action result in:	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index		
a. Alteration of the location, distribution, density, or growth rate of the human population of an area?		Х						
b. Alteration of the social structure of a community?		Х						
c. Alteration of the level or distribution of employment or community or personal income?		Х						
d. Changes in industrial or commercial activity?		Х						
e. Increased traffic hazards or effects on existing transportation facilities or patterns of movement of people and goods?			Х		yes	9e.		
f. Other:		Х						

9e. During the construction period, heavy equipment moving to and from the site may create minor traffic hazards. FWP anticipates reduced traffic hazards and improved parking facilities as a result of this proposal. Contractors would be required to install and monitor traffic safety and warning devices.

10. PUBLIC SERVICES/TAXES/UTILITIES				IMPACT *		
Will the proposed action result in:	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Will the proposed action have an effect upon or result in a need for new or altered governmental services in any of the following areas: fire or police protection, schools, parks/recreational facilities, roads or other public maintenance, water supply, sewer or septic systems, solid waste disposal, health, or other governmental services? If any, specify:		Х				
b. Will the proposed action have an effect upon the local or state tax base and revenues?		Х				
c. Will the proposed action result in a need for new facilities or substantial alterations of any of the following utilities: electric power, natural gas, other fuel supply or distribution systems, or communications?		Х				
d. Will the proposed action result in increased use of any energy source?		Х				
e. **Define projected revenue sources						10e.
f. **Define projected maintenance costs.						10f.
g. Other:		Х				

- 10e. The project is being funded by the FWP Parks earned revenue fund. The allotted funding amount is \$10,000.
- 10f. Maintenance costs are anticipated to be the same or slightly higher than previous years. Supplies and materials, including cleaning supplies and herbicides, are estimated to be \$250 to \$500. Personal services, including labor and benefits costs, are expected to be approximately \$4,000. The site is being maintained through current staffing levels. Site maintenance will continue even if the site is not developed; therefore, the personal services cost is constant.

** 11. AESTHETICS/RECREATION	IMPACT *						
Will the proposed action result in:	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index	
Alteration of any scenic vista or creation of an aesthetically offensive site or effect that is open to public view?			х		NA	11a.	
b. Alteration of the aesthetic character of a community or neighborhood?		Х					
c. **Alteration of the quality or quantity of recreational/tourism opportunities and settings? (Attach Tourism Report.)			X		NA	11c.	
d. ***For P-R/D-J, will any designated or proposed wild or scenic rivers, trails, or wilderness areas be impacted? (Also see 11a, 11c.)		Х					
e. Other:		Х					

- 11a. This project would improve the aesthetics of the area by providing planned delineated parking, trails, and sanitary facilities. The latrine would be placed to the west end of the parking area and out of direct line of site from Lone Pine Road and Terrace Road to mitigate visual impacts. There is a potential of visual impacts to residents and recreationists in the event that the land traded to Montana Forest Products was developed for residential use. However, there is also potential for development of the current Montana Forest Products land without a trade. Development of the current property would have more of a visual impact to the recreation site. Foy's Lake is one of the most heavily developed lakes in the Flathead Valley, thus the overall impact is not significant.
- 11c. It is anticipated that this proposal would increase the quality of recreation at the FWP property on Foys Lake by providing safe ingress and egress, safer trails, restroom facilities, and clear site regulations. Please see attached Tourism Report in Appendix B.

12. CULTURAL/HISTORICAL RESOURCES	IMPACT *					
Will the proposed action result in:	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. **Destruction or alteration of any site, structure, or object of prehistoric, historic, or paleontological importance?		Х				
b. Physical change that would affect unique cultural values?		Х				
c. Effects on existing religious or sacred uses of a site or area?		Х				
d. ****For P-R/D-J, will the project affect historic or cultural resources? Attach SHPO letter of clearance. (Also see 12a.)		Х			NA	12d.
e. Other:		Х				

¹²d. A search conducted by the State Historic Preservation Office concluded there is a low likelihood cultural properties will be impacted as a result of this project. Please see SHPO letter in Appendix C.

SIGNIFICANCE CRITERIA

13. SUMMARY EVALUATION OF	IMPACT *						
SIGNIFICANCE Will the proposed action, considered as a whole:	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index	
a. Have impacts that are individually limited, but cumulatively considerable? (A project or program may result in impacts on two or more separate resources that create a significant effect when considered together or in total.)		Х					
b. Involve potential risks or adverse effects, which are uncertain but extremely hazardous if they were to occur?		х					
c. Potentially conflict with the substantive requirements of any local, state, or federal law, regulation, standard, or formal plan?		х					
d. Establish a precedent or likelihood that future actions with significant environmental impacts will be proposed?		Х					
e. Generate substantial debate or controversy about the nature of the impacts that would be created?		Х					
f. ***For P-R/D-J, is the project expected to have organized opposition or generate substantial public controversy? (Also see 13e.)		Х					
g. **** <u>For P-R/D-J</u> , list any federal or state permits required.						13g.	

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Significance Criteria (attach additional pages of narrative if needed):

13g. A Permit for Recreational Site is required from the Montana Department of Transportation. This permit application has been submitted. A permit is also needed for the installation of the vault latrine and would be acquired prior to latrine installation.

2. Evaluation and listing of mitigation, stipulation, or other control measures enforceable by the agency or another government agency:

Site construction will occur during daytime, weekday hours to mitigate for possible noise impacts. Best Management Practices will be followed for the duration of the project period to prevent unnecessary compaction, erosion, and soil disruption.

The vault latrine will be properly located and maintained to assist in mitigating for objectionable odors and visual impacts to neighbors.

The FWP Region One Noxious Weed Control Plan would be followed while conducting any and all herbicide application to noxious weeds.

PART III. NARRATIVE EVALUATION AND COMMENT

There are no anticipated cumulative effects of this proposed project. The possible secondary, minor effects are that the project may result in a slight increase in visitation to the site; however, this would be limited by the number of parking spaces provided, and there may be a visual impact to homeowners traveling from Lone Pine Road toward Foy's Lake and to the first homeowner on Terrace Road. All other impacts are temporary and minor and most can be mitigated.

PART IV. PUBLIC PARTICIPATION

1. Describe the level of public involvement for this project, if any, and given the complexity and the seriousness of the environmental issues associated with the proposed action, is the level of public involvement appropriate under the circumstances?

Two public scoping meetings were held prior to the development of this EA and the acquisition of the funding. These meetings were held on September 25 and November 13, 2007. During these meetings, site issues were discussed along with possible solutions, including site development and potential land trades.

The public was notified in the following manners to comment on the draft EA, the proposed action, and the alternatives:

- Two legal ads published in the Daily Inter Lake and Helena Independent Record newspapers
- One statewide press release
- Public notice on the Fish, Wildlife & Parks web site: http://fwp.mt.gov.

Copies of this EA were distributed to the neighboring landowners and interested parties to ensure their knowledge of the proposed project. FWP hosted a public meeting on November 4, 2009, at the Lone Pine Visitor Center.

This level of public notice and participation is appropriate for a project of this scope, having limited impacts, many of which can be mitigated.

2. Duration of comment period, if any.

The 30-day comment period began August 31, 2009, and was extended through November 10, 2009. Written comments were accepted until 5:00 p.m., November 10, 2009, and could be mailed to:

Montana Fish, Wildlife & Parks Attn: Foys Lake EA 490 N. Meridian Road Kalispell, MT 59901

Or e-mailed to: agrout@mt.gov

PART V. EA PREPARATION

1. Based on the significance criteria evaluated in this EA, is an EIS required? (YES/NO)?

NO

If an EIS is not required, explain <u>why</u> the EA is the appropriate level of analysis for this proposed action:

Based on the evaluation of primary, secondary, and cumulative impacts to the physical and human environment under the Montana Environmental Protection Act (MEPA), this environmental review found no significant impacts resulting from the proposed parking and site area development and land trade. In determining the significant impacts, FWP assessed the duration, severity, geographic extent and frequency of the impact; the probability that the impact would occur or reasonable assurance that the impact would not occur; growth-inducing or growth-inhibiting aspects of the project; the importance to the state and to the society of the environmental resource or value affected and precedence that would be set as a result of the proposed action that would commit FWP to further actions; and possible conflicts with local, federal or state laws. Therefore, an EA is the appropriate level of review and an EIS is not required.

2. Name, title, address, and phone number of the person(s) responsible for preparing the EA:

Amy Grout Parks Management Specialist Montana Fish, Wildlife & Parks 300 Lone Pine Road Kalispell, MT 59901 (406) 755-2706, Ext. 3

3. List of agencies consulted during preparation of the EA:

Montana Fish, Wildlife & Parks

Parks Division

Wildlife Division

Fisheries Division

Design & Construction Bureau

Legal Bureau

Montana State Historic Preservation Office (SHPO)

Montana Department of Commerce – Tourism

Montana Natural Heritage Program – Natural Resources Information System (NRIS)

APPENDICES

- A. MCA 23-1-110 Qualification Checklist
- B. Tourism Report Department of Commerce
- C. Clearance Letter State Historic Preservation Office

APPENDIX A

23-1-110 MCA PROJECT QUALIFICATION CHECKLIST

Date: July 30, 2009 Person Reviewing: Amy Grout

Project Location:

S25 & 26, T28 N, R22 W

Northeastern shore of Foy's Lake

Description of Proposed Work:

Montana Fish, Wildlife and Parks (FWP) proposes developing the current parking area adjacent to the two parcels of FWP land on the northeastern shore of Foy's Lake (S25 & 26, T28 N, R22 W). The proposed action includes developing a single ingress and single egress point, defined parking area, a defined trail system, installing site identification and regulation signage and installing a vault latrine. FWP proposes to trade approximately 0.34 acre with a private in holding for the purpose of consolidating public ownership and ensuring continued public access to a highly visited lakeshore area.

The following checklist is intended to be a guide for determining whether a proposed development or improvement is of enough significance to fall under 23-1-110 rules. (Please check ✓ all that apply and comment as necessary.)

[X]A.	New roadway or trail built over undisturbed land? Comments:
[] B.	New building construction (buildings <100 sf and vault latrines exempt)? Comments:
[X]C.	Any excavation of 20 c.y. or greater? Comments:
[] D.	New parking lots built over undisturbed land or expansion of existing lot that increases parking capacity by 25% or more? Comments:
[] E.	Any new shoreline alteration that exceeds a doublewide boat ramp or handicapped fishing station? Comments:
[] F.	Any new construction into lakes, reservoirs, or streams? Comments:
[] G.	Any new construction in an area with National Registry quality cultural artifacts (as determined by State Historical Preservation Office)? Comments:
[] H.	Any new above ground utility lines? Comments:
[] I.	Any increase or decrease in campsites of 25% or more of an existing number of campsites? Comments:
[] J.	Proposed project significantly changes the existing features or use pattern; including effects of a series of individual projects? Comments:

If any of the above are checked, 23-1-110 MCA rules apply to this proposed work and should be documented on the MEPA/HB495 CHECKLIST. Refer to MEPA/HB495 Cross Reference Summary for further assistance.

Appendix B

TOURISM REPORT

MONTANA ENVIRONMENTAL POLICY ACT (MEPA) & MCA 23-1-110

The Montana Department of Fish, Wildlife and Parks has initiated the review process as mandated by MCA 23-1-110 and the Montana Environmental Policy Act in its consideration of the project described below. As part of the review process, input and comments are being solicited. Please complete the project name and project description portions and submit this form to:

Carol Crockett, Visitor Services Manager Travel Montana-Department of Commerce 301 S. Park Ave. Helena, MT 59601

Project Name: Lone Pine State Park, Foy's Lake Parcel Site Development and Land Trade Project

Project Description:

Montana Fish, Wildlife and Parks (FWP) proposes developing the current parking area adjacent to the two parcels of FWP land on the northeastern shore of Foy's Lake (S26, T28 N, R22 W). The proposed action includes developing a single ingress and single egress point, defined parking area, a defined trail system, installing site identification and regulation signage and installing a vault latrine. FWP proposes to trade approximately 0.34 acre with a private in holding for the purpose of consolidating public ownership and ensuring continued public access to a highly visited lakeshore area. The site has heavy visitation during the summer months and receives pressure from ice fishing in the winter.

nami	in the winter.	•	
1.	Would this si	te development p	project have an impact on the tourism economy?
	NO	YES	If YES, briefly describe:

Yes, as described, the project has the potential to positively impact the tourism and recreation industry economy.

Does this impending improvement alter the quality or quantity of recreation/tourism opportunities and settings?
 NO YES If YES, briefly describe:

Yes, as described, the project has the potential to improve the quality and quantity of tourism and recreational opportunities.

Signature Carol Crockett, Visitor Services Manager Date 8/8/2009

Appendix C SHPO Letter of Clearance

From: Murdo, Damon

Sent: Thursday, July 30, 2009 9:48 AM

To: Grout, Amy

Subject: RE: SHPO file search request

July 30, 2009

Amy Grout Park Mgmt. Specialist FWP Kalispell MT

RE: FOY'S LAKE FILE SEARCH, SITE HARDENING/DEVELOPMENT. SHPO Project #: 2009072905

Dear Amy:

I have conducted a cultural resource file search for the above-cited project located in Sections 25, 26, T28N R22W. According to our records there have been no previously recorded sites within the designated search locales. However, there has been one previously conducted cultural resource inventor done in the areas. If you would like any further information regarding the report you may contact me at the number listed below.

After reviewing the inventory report we feel that there is a low likelihood cultural properties will be impacted as a result of this project. We, therefore, feel that a recommendation for a cultural resource inventory is unwarranted at this time. However, should cultural materials be inadvertently discovered during this project we would ask that our office be contacted and the site investigated.

If you have any further questions or comments you may contact me at (406) 444-7767 or by e-mail at dmurdo@mt.gov. Thank you for consulting with us.

Sincerely,

Damon Murdo Cultural Records Manager State Historic Preservation Office

File: FWP/PARKS/2009